

ESTTA Tracking number: **ESTTA429137**Filing date: **09/07/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Aqua-Aerobic Systems, Inc.		
Entity	Corporation	Citizenship	Illinois
Address	6306 North Alpine Road Loves Park, IL 61111 UNITED STATES		

Attorney information	Robert A. Vitale, Jr. Niro Haller & Niro 181 West Madison, Suite 4600 Chicago, IL 60602 UNITED STATES vitale@nshn.com, swierk@nshn.com Phone:(312) 236-0733
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Registration Subject to Cancellation

Registration No	3858155	Registration date	10/05/2010
Registrant	Michael J. McKelvey P.O. Box 579 Ferrum, VA 24088 UNITED STATES		

Goods/Services Subject to Cancellation

Class 040. First Use: 1970/01/01 First Use In Commerce: 1970/01/01 All goods and services in the class are cancelled, namely: Treatment of waste water

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2056978	Application Date	01/22/1996
Registration Date	04/29/1997	Foreign Priority Date	NONE
Word Mark	AQUA-AEROBIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1981/03/04 First Use In Commerce: 1981/03/04 mechanical mixers used in industrial and municipal waste water treatment		

	Class 011. First use: First Use: 1970/03/00 First Use In Commerce: 1970/03/00 waste water treatment systems comprised of aerators, mixers, diffusers, filters, and water cooling units; granular and cloth media filters used in industrial and municipal waste water treatment; contained flow floating mechanical aerators used in industrial and municipal waste water treatment
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Attachments	petition.pdf (6 pages)(1761699 bytes) petitionExh1.pdf (3 pages)(220028 bytes) petitionExh2.pdf (5 pages)(1148712 bytes) petitionExh3.pdf (5 pages)(2098724 bytes) petitionExh4.pdf (27 pages)(2078328 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Robert A. Vitale, Jr./
Name	Robert A. Vitale, Jr.
Date	09/07/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3,858,155
For the mark AQUAROBIC INTERNATIONAL
Registrant: Michael J. McKelvey, d/b/a Aquarobic International
Issued: October 5, 2010

AQUA-AEROBIC SYSTEMS, INC.

Petitioner,

v.

MICHAEL J. McKELVEY, d/b/a
AQUAROBIC INTERNATIONAL,

Registrant.

Cancellation No. _____

PETITION FOR CANCELLATION

Petitioner Aqua-Aerobic Systems, Inc. believes that it has been and/or will be damaged by Registration No. 3,858,155 and hereby petitions to cancel same on the grounds of priority and likelihood of confusion under 15 U.S.C. § 1052(d). In support, it is alleged that:

1. Petitioner Aqua-Aerobic Systems, Inc. is an Illinois corporation having its principal place of business at 6306 North Alpine Road, Loves Park, Illinois 61111.
2. To the best of Petitioner's knowledge, the name and address of the current owner of record of the registration sought to be cancelled is: Michael J. McKelvey, d/b/a Aquarobic International, P.O. Box 579, Ferrum, Virginia 24088.
3. Aquarobic International, Inc. is a Virginia corporation having its principal place of business at 5800 Prilliman Switch Road, Ferrum, Virginia 24088.
4. Mr. McKelvey is currently identified as the President of Aquarobic International, Inc.

5. Registration No. 3,858,155 for the mark AQUAROBIC INTERNATIONAL issued to Michael J. McKelvey d/b/a Aquarobic International on October 5, 2010 for "treatment of wastewater" in Class 40 (the "Aquarobic Registration"), from application Serial No. 77/853,294 filed on October 20, 2009. The Aquarobic Registration is based on alleged use in interstate commerce with an alleged first use date of January 1, 1970.

6. In the July 19, 2010 Statement of Use submitted with the application leading to the Aquarobic Registration, the following was alleged:

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/01/1970, and first used in commerce at least as early as 01/01/1970, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Front page of Brochure.

(Exhibit 1).

7. Notably, however, the specimen submitted does not support the alleged date of first use; the one-page "brochure" merely states that some unidentified "Advanced Wastewater Treatment Systems" were "N.S.F.I. Listed Systems Since 1971" (Id.).

8. In addition, there is no indication that the AQUAROBIC INTERNATIONAL mark was in use or continuous use since the alleged date of first use, or that Aquarobic International, Inc. is the legally recognized licensee or successor in interest to any use or continuous use of the alleged mark.

9. Since at least March 1970, Petitioner has offered high quality wastewater treatment solutions in interstate commerce and throughout the United States under the AQUA-AEROBIC mark. As a result of Petitioner's extensive sales, advertising and promotion of its water and wastewater treatment systems (and related products and services) using the AQUA-

AEROBIC trademark, that mark has become widely and favorably known and recognized in the trade as originating with Aqua-Aerobic Systems, Inc.

10. The AQUA-AEROBIC mark has achieved strong and favorable public recognition and goodwill, and is associated with Petitioner's reputation for quality goods and services in the water and wastewater treatment industry. The AQUA-AEROBIC trademark has acquired secondary meaning.

11. Consistent with its long use of the AQUA-AEROBIC mark, Petitioner obtained Registration No. 2,056,978, which issued on April 29, 1997, for "mechanical mixers used in industrial and municipal waste water treatment" in Class 7 and "waste water treatment systems comprised of aerators, mixers, diffusers, filters, and water cooling units, granular and cloth media filters used in industrial and municipal waste water treatment, contained flow floating mechanical aerators used in industrial and municipal waste water treatment" in Class 11 (the "Aqua-Aerobic Registration"). The Aqua-Aerobic Registration is based on use in interstate commerce with a first use date of March 4, 1981 in Class 7 and a first use date of March 1970 in Class 11.

12. The Aqua-Aerobic Registration was renewed in 2007 and is incontestable under 15 U.S.C. § 1065.

13. Petitioner has also over the years used the AQUA-AEROBIC mark on and in connection with other goods and services not recited in the Aqua-Aerobic Registration. Petitioner's use of the mark has resulted in numerous additional trademark registrations in the U.S. and around the world.

14. Registrant claims a date of first use of January 1, 1970 for the AQUAROBIC INTERNATIONAL mark. However, in addition to the defects noted above, according to the records of the Commonwealth of Virginia, Aquarobic International, Inc. was not formed until

April 1992 (Exhibit 2) and Mr. McKelvey was not an officer of the company until sometime between March 30, 2009 and November 24, 2010 (Exhibit 3).

15. Upon information and belief, Registrant appears to be basing its alleged date of first use upon a Canadian trademark registration which issued from an intent-to-use application filed with the Canadian Intellectual Property Office on February 16, 1971 (Exhibit 4). However, in that application, the statement of use is dated October 23, 1972 and was filed by a company called Waltec Industries Limited (Id., p. 19). No specimen was provided in that application or with the statement of use. Accordingly, the earliest alleged date of first use of the mark "Aquarobic" that can even be claimed (if at all), at least in Canada, by Registrant is no earlier than October 23, 1972.

16. Also upon information and belief, Registrant appears to be claiming title to this Canadian registration. However, the last recorded owner of the Canadian mark was Masco Canada Ltd., as of March 17, 1994 (Id., p. 1, 6).

17. The foregoing Canadian registration was automatically expunged for failure to renew on July 3, 2003 (Id., p. 2).

18. For these and other reasons, Petitioner believes that the Aquarobic Registration was improperly and/or fraudulently obtained. Notably, the alleged "specimen" submitted with the application leading to the Aquarobic Registration does not support a 1970 use date; in fact, it is not even a proper specimen.

19. Petitioner's use of the AQUA-AEROBIC mark predates any properly claimed date of first use by Registrant of the AQUAROBIC INTERNATIONAL mark.

20. Registrant's AQUAROBIC INTERNATIONAL mark so resembles Petitioner's AQUA-AEROBIC mark as to be likely, when used on or in connection with the services

identified in the Aquarobic Registration, to cause confusion, or to cause mistake, or to deceive and/or to lessen the ability of Petitioner to distinguish itself in the marketplace.

21. If Registrant is permitted to maintain the Aquarobic Registration, there is likely to be confusion in the marketplace, leading the public to falsely believe that Registrant's goods and services emanate or originate from Petitioner, or that Petitioner has approved, sponsored, or otherwise associated itself with Registrant.

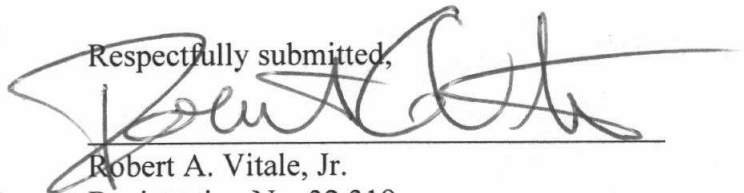
22. Registrant's use of the AQUAROBIC INTERNATIONAL mark deprives Petitioner of control over the quality of goods and services the public has come to associate with the AQUA-AEROBIC trademarks.

WHEREFORE, Petitioner deems that it has been or will be damaged by the Aquarobic Registration and petitions for cancellation thereof.

The Commissioner for Trademarks is hereby authorized to deduct the \$300 filing fee and any additional fees relating to the filing of this Petition for Cancellation from Deposit Account No. 14-1131.

Dated: September 7, 2011

Respectfully submitted,



Robert A. Vitale, Jr.
Registration No. 32,319
NIRO, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602
(312) 236-0733

Attorney for Petitioner

PROOF OF SERVICE

I hereby certify that the foregoing **Petition for Cancellation** is being deposited with the United States Postal Service on **September 7, 2011** as "Express Mail Post Office to Addressee" service under 37 CFR § 2.119(b)(4) under **Express Mail No. EG 156728804** and is addressed to the current owner of the registration sought to be cancelled:

Michael J. McKelvey
d/b/a Aquarobic International
P.O. Box 579
Ferrum, Virginia 24088

A handwritten signature in dark ink, appearing to read 'Robert A. Vitale, Jr.', written over a horizontal line.

Robert A. Vitale, Jr.
Registration No. 32,319
NIRO, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602
(312) 236-0733

Attorney for Petitioner

Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: AQUAROBIC INTERNATIONAL
SERIAL NUMBER: 77853294

The applicant, Michael J. McKelvey, having an address of
P.O. Box 579
Ferrum, Virginia 24088
United States

is submitting the following allegation of use information:

For International Class 040:

Current identification: Treatment of waste water

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/01/1970, and first used in commerce at least as early as 01/01/1970, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Front page of Brochure.

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Michael J. McKelvey/ Date Signed: 07/19/2010
Signatory's Name: Michael J. McKelvey
Signatory's Position: Owner

RAM Sale Number: 7458
RAM Accounting Date: 07/19/2010

Serial Number: 77853294
Internet Transmission Date: Mon Jul 19 10:55:55 EDT 2010
TEAS Stamp: USPTO/SOU-75.192.125.136-201007191055558
06030-77853294-47071a7779acd3619838913a1
89e8e462e-CC-7458-20100719104058981279



Advanced Wastewater Treatment Systems



**Dedicated to the Preservation of Our Environment
Through Sound Wastewater Treatment Solutions**



**N.S.F.I.
Listed Systems Since 1971**

2 OF 4 RECORD(S)

Virginia Secretary of State

Corporate Filing

Business Information

Filing Number: 0391454
Name: AQUAROBIC INTERNATIONAL, INC.
Name Type: LEGAL
STANDARD Address: 5800 PRILLAMAN SWITCH RD
FERRUM, VA 24088-3708
ORIGINAL Address: 5800 PRILLIMAN SWITCH ROAD
FERRUM
VA
24088
Business Type: CORPORATION
Status: ACTIVE
Status Date: 11/30/2010
Place Incorporated: VIRGINIA
Date Incorporated: 04/21/1992
Foreign/Domestic: DOMESTIC
Terms: PERPETUAL
Purpose: GENERAL

Registered Agent

Name: ALLEN, CHARLES R
Title: ATTORNEY
Registered Agent Address: 120 CHURCH AVE SW
ROANOKE, VA 24011-1906
As of Date: 12/07/2010
Registered Agent Information: COURT LOCALITY: ROANOKE CITY

Stock Information

Stock

Type: COMMON
Issued Shares: 25,000
Authorized Shares: 25,000

Historical Registered Agents

Name: ALLEN, CHARLES R
Title: ATTORNEY
Registered Agent Address: 120 CHURCH AVE SW
ROANOKE, VA 24011-1906

Name: PAVON, DANIEL E
Title: OFFICER
Registered Agent Address: 206 W WYCK ST
WINCHESTER, VA 22601-3947

Name: PAVON, DANIEL E
Title: PRESIDENT
Registered Agent Address: 206 W WYCK ST
WINCHESTER, VA 22601-3947

Officers

Name: MCKELVEY, LISA J
Title: SECRETARY
Contact Type: PRESIDENT
Standard Address: Type: OFFICER
 206 W WYCK ST
 WINCHESTER, VA 22601-3947

Name: MCKELVEY, MICHAEL J
Title: PRESIDENT
Contact Type: PRESIDENT
Standard Address: Type: OFFICER
 206 W WYCK ST
 WINCHESTER, VA 22601-3947

Historical Contacts

Name: PAVON, DANIEL E
Title: PRESIDENT
Contact Type: PRESIDENT
Standard Address: Type: OFFICER
 206 W WYCK ST
 WINCHESTER, VA 22601-3947

Name: SINGHAS, HEIDI
Title: TREASURER
Contact Type: PRESIDENT
Standard Address: Type: OFFICER
 206 W WYCK ST
 WINCHESTER, VA 22601-3947

Name: PAVON, DANIEL E
Title: PRESIDENT: PRESIDENT
Contact Type: OFFICER
Effective Date: 05/03/2005
Standard Address: Type: REGISTERED OFFICE
 206 W WYCK ST
 WINCHESTER, VA 22601-3947
Original Address: 206 WYCK ST
 WINCHESTER
 VA
 226010000

Name: SINGHAS, HEIDI
Title: TREASURER
Contact Type: OFFICER

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Commonwealth of Virginia
State Corporation Commission

Virg

CISM0250

MICROFILM INQUIRY

05/05/11

15:26:01

CORP ID: 0391454 - 6 CORP STATUS: 00 ACTIVE

CORP NAME: AQUAROBIC INTERNATIONAL, INC.

COURT LOCALITY: 217 ROANOKE CITY

TOTAL CHARTER FEES:

50.00

MICROFILM NO	DOCUMENT TYPE	DATE	CHARTER FEE	PAGES
10 12 04 0543	RAC > REGISTERED AGE	12/07/10		2
10 12 01 0566	REIN > REINSTATEMENT	11/30/10		4
10 09 22 0343	TERM > TERMINATION	08/31/10		1
07 10 08 1278	REIN > REINSTATEMENT	10/30/07		1
07 09 09 0420	TERM > TERMINATION	08/31/07		1
05 05 01 1000	RAC > REGISTERED AGE	05/03/05		1
01 09 06 0860	REIN > REINSTATEMENT	09/27/01		1
01 09 08 0585	TERM > TERMINATION	08/31/01		1
00 05 04 1095	RAC > REGISTERED AGE	05/15/00		1
93 04 06 0155	RAC > REGISTERED AGE	04/19/93		1
92 04 05 0462	NEWC > NEW CHARTER	04/21/92	50.00	4

(Screen Id:/Corp_Microfilm_History_Inquiry)



Commonwealth of Virginia
State Corporation Commission

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CISM0265

CORPORATE ANNUAL REPORT HISTORY

05/05/11

16:07:25

CORP ID: 0391454 - 6 CORP STATUS: 00 ACTIVE

CORP NAME: AQUAROBIC INTERNATIONAL, INC.

CORP STATUS DATE: 11/30/10

A N N U A L R E P O R T H I S T O R Y

REVIEW DATE	REFERENCE NO	STATUS
09/27/01	201 71 1804	A ACCEPTED
03/22/00	200 22 0926	A ACCEPTED
04/02/99	099 26 0125	A ACCEPTED
05/11/98	098 08 5636	A ACCEPTED
03/31/97	097 12 8745	A ACCEPTED
08/02/96	096 98 9506	A ACCEPTED
03/23/95	095 31 0810	A ACCEPTED
07/22/94	094 44 2431	A ACCEPTED
05/12/93	093 37 2124	A ACCEPTED
	000	

(Screen Id:/Corp_Annual_Report_History_Inquiry)



Commonwealth of Virginia
State Corporation Commission

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CISM0265

CORPORATE ANNUAL REPORT HISTORY

05/05/11

16:07:35

CORP ID: 0391454 - 6 CORP STATUS: 00 ACTIVE

CORP NAME: AQUAROBIC INTERNATIONAL, INC.

CORP STATUS DATE: 11/30/10

ANNUAL REPORT HISTORY

REVIEW DATE	REFERENCE NO	STATUS
11/30/10	211 01 0971	A ACCEPTED
11/29/10	210 30 1060	A ACCEPTED
03/30/09	209 27 2190	A ACCEPTED
03/04/08	208 20 0209	A ACCEPTED
11/06/07	207 83 0785	A ACCEPTED
03/01/06	206 18 1980	A ACCEPTED
05/27/05	205 43 0629	A ACCEPTED
04/23/04	204 33 0400	A ACCEPTED
05/05/03	203 33 0008	A ACCEPTED
03/07/02	202 18 0328	A ACCEPTED

(Screen Id:/Corp_Annual_Report_History_Inquiry)

2009 ANNUAL REPORT
COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

209272190
03/30/2009



① CORPORATION NAME
AQUAROBIC INTERNATIONAL, INC

DUE DATE 04/30/09

② VA REGISTERED AGENT NAME AND OFFICE ADDRESS PRES
DANIEL E PAVON

SCC ID NO 0391454-6

206 WYCK ST

⑤ STOCK INFORMATION

CLASS	AUTHORIZED
COMMON	25,000

WINCHESTER, VA 22601

③ CITY OR COUNTY OF VA REGISTERED OFFICE
222-WINCHESTER CITY

④ STATE OR COUNTRY OF INCORPORATION
VA-VIRGINIA

DO NOT ATTEMPT TO ALTER THE INFORMATION ABOVE Carefully read the attached instruction sheet Type or print in black only If item ⑥ is blank or incorrect, you must add or change the principal office address where indicated If item ⑦ is blank or incorrect, you must add or change the director and officer information where indicated

⑥ PRINCIPAL OFFICE ADDRESS

<input type="checkbox"/> Mark this box if address shown below is correct	If the block to the left is blank or contains incorrect data please add or correct the address below
ADDRESS 206 WYCK STREET SUITE 100	ADDRESS
CITY/ST/ZIP WINCHESTER, VA 22601	CITY/ST/ZIP

⑦ DIRECTORS AND PRINCIPAL OFFICERS

All directors and principal officers must be listed
An individual may be designated as both a director and an officer

Mark appropriate box unless area below is blank <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete information	If the block to the left is blank or contains incorrect data, please mark appropriate box and enter information below <input type="checkbox"/> Correction <input type="checkbox"/> Addition <input type="checkbox"/> Replacement
OFFICER <input checked="" type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/>	OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/>
NAME DANIEL E PAVON	NAME
TITLE PRESIDENT	TITLE
ADDRESS 206 WYCK ST STE 100	ADDRESS
CITY/ST/ZIP WINCHESTER, VA 22601	CITY/ST/ZIP

I AFFIRM THAT THE INFORMATION CONTAINED IN THIS REPORT IS ACCURATE AND COMPLETE

Daniel E Pavon
SIGNATURE OF DIRECTOR/OFFICER
LISTED IN THIS REPORT

DANIEL E. PAVON PRES
PRINTED NAME AND CORPORATE TITLE

3/30/09
DATE

It is a Class 1 misdemeanor for any person to sign a document he knows is false in any material respect with intent that the document be delivered to the Commission for filing

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AF002V Rev 14 1/09

2010 ANNUAL REPORT
COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

21030.106

210301060
11/29/2010

10

210301060



① CORPORATION NAME
AQUAROBIC INTERNATIONAL, INC.

DUE DATE:
CORPORATION ID: 0391454-6

② VA REGISTERED AGENT NAME AND ADDRESS: OFFICER.

DANIEL E PAVON
206 WYCK ST
WINCHESTER VA 22601

⑤ STOCK INFORMATION:

CLASS	AUTHORIZED
COMMON	25,000

③ CITY OR COUNTY OF VA REGISTERED OFFICE:
222 - WINCHESTER CITY

④ STATE OR COUNTRY OF INCORPORATION:
VA - VIRGINIA

11-30-10

DO NOT ATTEMPT TO ALTER THE INFORMATION ABOVE. Carefully read the attached instruction sheet. Type or print in black only. If item ⑥ is blank or incorrect, you must add or change the principal office address where indicated. If item ⑦ is blank or incorrect, you must add or change the director and officer information where indicated.

⑥ PRINCIPAL OFFICE ADDRESS:

<input type="checkbox"/> Mark this box if address shown below is correct	If address is blank or incorrect, add or correct below.
ADDRESS: 206 WYCK STREET SUITE 100	ADDRESS: 5800 Prilliman Switch Rd
CITY/ST/ZIP: WINCHESTER VA 22601	CITY/ST/ZIP: Ferrum, VA 24088

⑦ DIRECTORS AND PRINCIPAL OFFICERS:

All directors and principal officers must be listed.
An individual may be designated as both a director and an officer.

Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input checked="" type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Replacement
NAME: DANIEL E PAVON TITLE: PRESIDENT ADDRESS: 206 WYCK ST STE 100 CITY/ST/ZIP: WINCHESTER VA 22601	NAME: Michael J. McKelvey TITLE: PRESIDENT ADDRESS: 120 Myle Ridge Rd CITY/ST/ZIP: Wirtz, VA 24184

I AFFIRM THAT THE INFORMATION CONTAINED IN THIS REPORT IS ACCURATE AND COMPLETE.

SIGNATURE OF DIRECTOR/OFFICER
LISTED IN THIS REPORT

Lisa J. McKelvey Secretary
PRINTED NAME AND TITLE

11/24/10
DATE

It is a Class 1 misdemeanor for any person to sign a document he knows is false in any material respect with intent that the document be delivered to the Commission for filing.

2010 ANNUAL REPORT CONTINUED

DUE DATE:
CORPORATE ID: 0391454-6⑦ DIRECTORS AND PRINCIPAL OFFICERS (continued): All directors and principal officers must be listed.
An individual may be designated as both a director and an officer.

Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____	NAME: <i>Lisa J. McKelvey</i> OFFICER <input type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> TITLE: <i>Secretary</i> ADDRESS: <i>120 Myle Ridge Rd</i> CITY/ST/ZIP: <i>Wirtz, VA 24184</i>
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____	NAME: <i>Lisa J. McKelvey</i> OFFICER <input type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> TITLE: <i>Treasurer</i> ADDRESS: <i>120 Myle Ridge Rd</i> CITY/ST/ZIP: <i>Wirtz, VA 24184</i>
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____	NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____	NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____

2011 ANNUAL REPORT
COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

21101.097

211010971
11/30/2010

10

211010971



① CORPORATION NAME
AQUAROBIC INTERNATIONAL, INC.

DUE DATE:
CORPORATION ID: 0391454-6

② VA REGISTERED AGENT NAME AND ADDRESS: OFFICER.
DANIEL E PAVON
206 WYCK ST
WINCHESTER VA 22601

⑤ STOCK INFORMATION:

CLASS	AUTHORIZED
COMMON	25,000

③ CITY OR COUNTY OF VA REGISTERED OFFICE:
222 - WINCHESTER CITY

④ STATE OR COUNTRY OF INCORPORATION:
VA - VIRGINIA

11-30-10

DO NOT ATTEMPT TO ALTER THE INFORMATION ABOVE. Carefully read the attached instruction sheet. Type or print in black only. If item ⑥ is blank or incorrect, you must add or change the principal office address where indicated. If item ⑦ is blank or incorrect, you must add or change the director and officer information where indicated.

⑥ PRINCIPAL OFFICE ADDRESS:

<input type="checkbox"/> Mark this box if address shown below is correct	If address is blank or incorrect, add or correct below.
ADDRESS: 206 WYCK STREET SUITE 100	ADDRESS: 5800 Prilliman Switch Rd.
CITY/ST/ZIP: WINCHESTER VA 22601	CITY/ST/ZIP: Ferrum, VA 24088

⑦ DIRECTORS AND PRINCIPAL OFFICERS:

All directors and principal officers must be listed.
An individual may be designated as both a director and an officer.

Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input checked="" type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Replacement
NAME: DANIEL E PAVON TITLE: PRESIDENT ADDRESS: 206 WYCK ST STE 100 CITY/ST/ZIP: WINCHESTER VA 22601	NAME: Michael J. McTelvey TITLE: PRESIDENT ADDRESS: 120 Nyle Ridge Rd. CITY/ST/ZIP: Wirtz, VA 24184

I AFFIRM THAT THE INFORMATION CONTAINED IN THIS REPORT IS ACCURATE AND COMPLETE.

SIGNATURE OF DIRECTOR/OFFICER
LISTED IN THIS REPORT

Lisa J. McTelvey, Secretary
PRINTED NAME AND TITLE

11/24/10
DATE

It is a Class 1 misdemeanor for any person to sign a document he knows is false in any material respect with intent that the document be delivered to the Commission for filing.

2011 ANNUAL REPORT CONTINUED

DUE DATE:
CORPORATE ID: 0391454-6⑦ DIRECTORS AND PRINCIPAL OFFICERS (continued): All directors and principal officers must be listed.
An individual may be designated as both a director and an officer.

Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____	NAME: <i>Lisa J. McKelvey</i> OFFICER <input type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> TITLE: <i>Secretary</i> ADDRESS: <i>120 Nyle Ridge Rd</i> CITY/ST/ZIP: <i>Wirtz, VA 24184</i>
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____	NAME: <i>Lisa J. McKelvey</i> OFFICER <input type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> TITLE: <i>Treasurer</i> ADDRESS: <i>120 Nyle Ridge Rd</i> CITY/ST/ZIP: <i>Wirtz, VA 24184</i>
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____	NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____	NAME: _____ OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: _____ ADDRESS: _____ CITY/ST/ZIP: _____



Canadian Intellectual
Property Office
An Agency of
Industry Canada

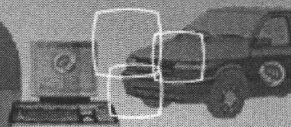
Office de la propriété
intellectuelle du Canada
Un organisme
d'Industrie Canada

Canada



Canadian Intellectual Property Office

cipo.ic.gc.ca



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Home > Canadian Trade-marks Database > Basic Search

Industry Canada

Programs and
Services

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Programs and Services

Patents

Patents Database

Patent Appeal
Board

Trade-marks

Trade-marks
Database

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Trade-marks
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Database

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Industrial Designs
Database

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CANADIAN TRADE-MARK DATA

*** Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2011-04-26

APPLICATION NUMBER:

0344483

REGISTRATION NUMBER:

TMA186870

STATUS:

EXPUNGED

FILED:

1971-07-16

REGISTERED:

1972-11-24

REGISTRANT:

WALTEC INDUSTRIES LIMITED
Wallaceburg
ONTARIO

CURRENT OWNER:

MASCO CANADA LIMITED,
420 BURBROOK PLACE,
LONDON,
N6A 4L6
ONTARIO

REPRESENTATIVE FOR SERVICE:

SMART & BIGGAR
SUITE 900, 55 METCALFE STREET
P.O. BOX 2999, STATION D
OTTAWA
ONTARIO K1P 5Y6

TRADE-MARK:

AQUAROBIC

INDEX HEADINGS:

AQUAROBIC

ROBIC, AQUA

Discussions
FAQs
Site Map
Links
Fees
Forms
Legislation
Canadian IP Links
International IP Links
Proactive Disclosure

WARES:

(1) Sewage treatment apparatus.

CLAIMS:

Declaration of Use filed October 31, 1972.

<u>ACTION</u>	<u>DATE</u>	<u>BF</u>	<u>COMMENTS</u>
Filed	16 July 1971		
Registered	24 November 1972		
Renewed	24 November 1987		
Renewal Notice Sent	11 December 2002		
Automatic Expungement - Failure to Renew	03 July 2003		



FOOTNOTES:

CHANGE IN TITLE/CHANGEMENT EN TITRE:

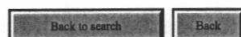
TYPE OF CHANGE/GENRE DE CHANGEMENT: Transfer/Transfert
 DATE REGISTERED/DATE DE L'ENREGISTREMENT: 04 mai/May 1981
 DATE OF CHANGE/DATE DE CHANGEMENT: 31 déc/Dec 1979
 COMMENTS/COMMENTAIRES: WALTEC INC.
 SEE EVIDENCE ON FILE/VOIR PREUVE SUR LE DOSSIER 156859

CHANGE IN TITLE/CHANGEMENT EN TITRE:

TYPE OF CHANGE/GENRE DE CHANGEMENT: Amalgamation/Fusionnement
 DATE REGISTERED/DATE DE L'ENREGISTREMENT: 20 juil/Jul 1990
 DATE OF CHANGE/DATE DE CHANGEMENT: 01 avr/Apr 1990
 COMMENTS/COMMENTAIRES: CHANGED/MODIFIER:
 FROM/DE: WALTEC INC.
 TO/A: EMCO LIMITED
 SEE EVIDENCE ON FILE/VOIR PREUVE AU DOSSIER 199237

CHANGE IN TITLE/CHANGEMENT EN TITRE:

TYPE OF CHANGE/GENRE DE CHANGEMENT: Assignment/Cession
 DATE REGISTERED/DATE DE L'ENREGISTREMENT: 28 sept/Sep 1994
 DATE OF CHANGE/DATE DE CHANGEMENT: 17 mars/Mar 1994
 COMMENTS/COMMENTAIRES: CHANGED/MODIFIER:
 FROM/DE: EMCO LIMITED
 TO/A: MASCO CANADA LIMITED,
 SEE EVIDENCE ON FILE/VOIR PREUVE AU DOSSIER 199237



Last updated 2011-04-26

[Top of page](#)

[Important Notices](#)

APPL'N No./No DEM. 344 483

REGISTRATION No/No. ENREGISTREMENT TMA186,870

EXPUNGED/RADIÉE

FILING DATE/DATE DE PRODUCTION:

16 juil/Jul 1971

REGISTRATION DATE/DATE D'ENREGISTREMENT:

24 nov/Nov 1972

RENEWAL DATE/DATE DE RENOUVELLEMENT:

24 nov/Nov 1987

REGISTRANT/PROPRIÉTAIRE ORIGINAL:

WALTEC INDUSTRIES LIMITED

Wallaceburg

ONTARIO

CURRENT OWNER/PROPRIÉTAIRE COURANT:

MASCO CANADA LIMITED,

420 BURBROOK PLACE,

LONDON,

ONTARIO

N6A 4L6

REP FOR SERVICE/REP POUR SIGNIFICATION:

SMART & BIGGAR

SUITE 900, 55 METCALFE STREET

P.O. BOX 2999, STATION D

OTTAWA

ONTARIO K1P 5Y6

TRADE-MARK/MARQUE DE COMMERCE:

AQUAROBIC

WARES/MARCHANDISES:

Sewage treatment apparatus.

CLAIMS/REVENDEICATIONS:

Declaration of Use filed October 31, 1972 on wares.

FOOTNOTES/NOTES:

CHANGE IN TITLE/CHANGEMENT DU TITRE:

TYPE OF CHANGE/GENRE DE CHANGEMENT: TRANSFER/TRANSFERT

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 04 mai/May 1981

DATE OF CHANGE/DATE DE CHANGEMENT: 31 déc/Dec 1979

COMMENTS/COMMENTAIRES: WALTEC INC.

**SEE EVIDENCE ON FILE/VOIR PREUVE SUR LE DOSSIER
156859**

CHANGE IN TITLE/CHANGEMENT DU TITRE:

TYPE OF CHANGE/GENRE DE CHANGEMENT: AMALGAMATION/FUSIONNEMENT

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 20 juil/Jul 1990

DATE OF CHANGE/DATE DE CHANGEMENT: 01 avr/Apr 1990

COMMENTS/COMMENTAIRES: CHANGED/MODIFIER:

FROM/DE: WALTEC INC.

TO/A: EMCO LIMITED

SEE EVIDENCE ON FILE/VOIR PREUVE AU DOSSIER 199237

APPL'N No./No DEM. 344 483

REGISTRATION No/No. ENREGISTREMENT TMA186,870

CHANGE IN TITLE/CHANGEMENT DU TITRE:

TYPE OF CHANGE/GENRE DE CHANGEMENT: ASSIGNMENT/CESSION

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 28 sept/Sep 1994

DATE OF CHANGE/DATE DE CHANGEMENT: 17 mars/Mar 1994

COMMENTS/COMMENTAIRES: CHANGED/MODIFIER:

FROM/DE: EMCO LIMITED

TO/A: MASCO CANADA LIMITED,

SEE EVIDENCE ON FILE/VOIR PREUVE AU DOSSIER 199237

Action	Date	BF	Comments/Commentaires
filed/produite	1971/07/16		
registered/enregistrée	1972/11/24		
renewed/renouvelée	1987/11/24		
renewal notice sent/avis de renouvellement envoyé	2002/12/11		
automatic expungement - failure to renew/radiation automati...	2003/07/03		



Smart & Biggar
P.O. Box 2999, Station D
Ottawa, Ontario
K1P 5Y6

Date	September 28, 1994
Notre dossier - Our file	199237
Votre référence - Your reference	68432-Y; 72582-11, 12 etc..
Inscrite le - Recorded on	September 28, 1994

Propriétaire - Owner **Masco Canada Limited**
420 Burbrook Place
London, Ontario
N6A 4L6

Je vous informe par la présente que le nom ci-dessus
indiqué a été inscrit comme propriétaire de la marque de
commerce suivante.

This is to inform you that the name shown above has
now been entered as the owner of the following trade
mark.

SEE ATTACHED SHEET

Votre nom est inscrit comme représentant pour
signification.



Your name is entered as representative for
service.

Le registraire des marques de commerce
Registrar of Trade Marks

c.c.: **Fetherstonhaugh & Co.**
(Toronto)



Industrie Canada Industry Canada
gg\ass-sept.28

Bureau des marques de commerce
Trade Marks Office

199237

- 2 -

UCA's: 029546 - 199237, Trade-mark: TECK
044201 - 219329
044386 - 216981

135487 - 278065
138349 - 282281
143512 - 289248
155051 - 304408
186870 - 344483
187975 - 340779
191757 - 357444
196670 - 357445
198315 - 363460
208886 - 376316
218931 - 394137
227662 - 405329
230271 - 408290
230428 - 409997
249499 - 408335
257890 - 451352

274388 - 477044
274988 - 478471
140558 - 285091
286071 - 500102
286072 - 500103
297509 - 510602
308091 - 513799
308092 - 513800
308180 - 513802
315956 - 531574
317903 - 513803
325487 - 558414
332923 - 541472
343316 - 582476
351977 - 592982
352909 - 606790
361104 - 619317
375700 - 624085
379688 - 639925
386990 - 644345

Application Nos.: 637353
659393
692020



McCarthy Tetrault
Suite 4700, Toronto Dominion Bank Tower,
Toronto-Dominion Center,
Toronto, Ontario
M5K 1E6

Date
July 20, 1990
Our file - Notre dossier
199237
Your reference - Votre référence
026683/511229/KLP
Recorded on - Inscrite le
July 20, 1990

Owner - Propriétaire Emco Limited
620 Richmond Street,
London Ontario
N6A 5J9

This is to inform you that the name shown above has now
been entered as the owner of the following trade mark.

Je vous informe par la présente que le nom ci-dessus
indiqué a été inscrit comme propriétaire de la marque
de commerce suivante.

See Attached Sheet

Your name is entered as representative for service.



Votre nom est inscrit comme représentant pour
signification.

The present representative for service remains.

Registrar of Trade Marks
Le registraire des marques de commerce

c.c. Smart & Biggar.
Lang Michener Lawrence & Shaw.

Canada

Trade Marks Office
Bureau des marques de commerce



Smart & Biggar
P.O. Box 2999, Station D,
Ottawa, Ontario
K1P 5Y6

DATE
May 5, 1981
Our File - Notre Dossier
156859
Your Reference - Votre Référence
9380-35 PLB/lem
Recorded on - Inscrite le:
May 4, 1981

Owner - Propriétaire **Waltec Inc.**
Box 936, 471 Dundas Street
Cambridge, Ontario
N1R 5X9

This is to inform you that the name shown above has
now been entered as the owner of the following
trade mark **See attached sheet**

*Je vous informe par la présente que le nom ci-
dessus indiqué a été inscrit comme propriétaire de
la marque de commerce suivante*

☒ Your name is entered as representative for
service.

☐ Votre nom est inscrit comme représentant pour
signification.

Registrar of Trade Marks
Le registraire des marques de commerce

C.C. **Lash, Johnston, Sheard & Pringle**
Box 24,
Commerce Court Postal Station,
Toronto, Ontario
M5L 1A8

Trade Marks Office
Bureau des marques de commerce

CCA-370 (10/79)

252/54259
N.S. 115/29546
N.S. 173/44201
N.S. 188/47978
135,487
138,349
143,512
148,664
149,187
155,051
173,199
173,650
175,004
178,604
180,144
186,849
186,850
186,870
187,975
191,103
192,093
192,719
208,886
213,140
217,195
227,662
229,093
230,428
236,575
242,482
249,499
248,044
443913
445084

Registration numbers N.S. 137/35077; 134/34342 and 142,390 were expunged on February 5, 1980; February 4, 1980 and October 23, 1980 respectively under the provisions of Section 45 of the Trade Marks Act.

Registration numbers 140,558 and 229,581 were already standing in the new name.

Application numbers 398923; 408335 and 444732 have issued to registration numbers 242,482; 249,499 and 248,044 respectively.

Accordingly a refund of \$110.00 has been recommended.

MICROFILMED

APPLICATION NO: 344,483.
Filing Date: July 16, 1971.

REGISTRATION NO: 186,870.
Registration Date: Nov. 24, 1972.

Registrant: WALTEC INDUSTRIES LIMITED,
Wallaceburg, Ontario.

Trade Mark: AQUAROBIC

Wares: Sewage treatment apparatus.

Agent for service: Smart & Biggar,
70 Gloucester Street,
P.O. Box 2999, Station D,
Ottawa, Ontario.

Declaration of use filed October 31, 1972.

CHECK REGISTER FOR ANY CHANGES AFTER DATE OF REGISTRATION
VÉRIFIER LE REGISTRE POUR LES MODIFICATIONS APPORTÉES
APRÈS LA DATE D'ENREGISTREMENT

APPLICATION NO: 344,483.
 Filing Date: July 16, 1971.

REGISTRATION NO:
 Registration Date:

Registrant:

WALTEC INDUSTRIES LIMITED,
~~WALLACEBURG BRANCH LIMITED,~~
 Wallaceburg, Ontario.

Trade-Mark:

AQUAROBIC

Wares: —

Sewage treatment apparatus.

Agent for service: —

Smart & Biggar,
 70 Gloucester Street,
 P.O. Box 2999, Station D,
 Ottawa, Ontario.

~~Proposed use in Canada.~~

Declaration of use filed October 31, 1972.



Consumer and
Corporate Affairs

Consommation et
Corporations

Messrs. Smart & Biggar,
P.O. Box 2999 Station D,
Ottawa, Ontario.
K1P 5Y6.

DATE
November 17, 1972
Our File - Notre Dossier
156859 (A H)
Your Reference - Votre Référence
4052-78
Recorded on - Inscrite le:
October 30, 1972

Owner - Propriétaire
Waltec Industries Limited
Wallaceburg, Ontario.

This is to inform you that the name shown above has
now been entered as the owner of the following
trade mark Nos.

*Je vous informe par la présente que le nom ci-
dessus indiqué a été inscrit comme propriétaire de
la marque de commerce suivante*

252/54259	173,650
143,512	175,004
148,664	180,144

☐ Your name is entered as representative for
service.

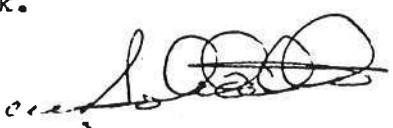
☐ Votre nom est inscrit comme représentant pour
signification.

Waltec Industries Limited has been recognized as the new owner of application
Nos. 338295, 338296, 338297, 340779, 344483 and 347010.

Application No. 343546 has been abandoned.

There is no fee required to recognize a change of name against a pending trade
mark.

Accordingly, a refund of \$80.00 has been recommended.


Registrar of Trade Marks
Le registraire des marques de commerce



Trade Marks Office
Bureau des marques de commerce
Exhibit 4 - page 16

C/N

Application No. 344483

Wallaceburg Brass Limited

to

Waltec Holdings Limited

November 19, 1971

(see evidence on 156859)

Assignment
(Nunc pro tunc)

same as above

to

Waltec Industries Limited
Wallaceburg, Ontario.

May 12, 1972

(see document on 156859)

CHRISTOPHER ROBINSON, O.C.
ERIC L. MEDCALF, O.C.
RUSSEL S. SMART, O.C.
JOHN J. ELLIS
DONALD A. HILL
JAMES D. KOKONIS
JAMES A. DEVENNY
PETER L. BECK
ROBERT H. BARRIGAR
NICHOLAS H. FYFE
TREVOR C. KLOTZ
ALAN R. CAMPBELL
W. CHARLES KENT

SMART & BIGGAR
BARRISTERS & SOLICITORS
PATENT & TRADE MARK AGENTS
P. O. Box 2999, Station D
OTTAWA K1P 5Y6
CANADA

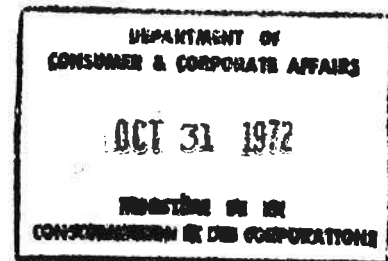
OFFICE
70 GLOUCESTER ST.
OTTAWA
CABLES
LAURENTIAN, OTTAWA
TELEX
013-3731
TELEPHONE
(613) 232-2486

October 31, 1972

PATENT & TRADE MARK AGENTS
KEITH S. CUNNINGHAM
IAN BRAMELO
JOHN J. BURKE
GERALD L. CONWAY
VANCE MARSTON
IAN MAKINSON
ROBERT F. FULLER
GEOFFREY C. CLARK
HUGH O'GORMAN
DOUGLAS C. CALHOUN
ROGER MITTON

TO À	X
FILE DOSSIER	344483
CHGD. TO REMIS À	Journ 18/10/72

PLEASE QUOTE
OUR FILE NO. 4052-73



The Registrar of Trade Marks,
Ottawa, Canada.

Dear Sir:

Re: Serial No. 344,483
Trade Mark AQUAROBIC

With reference to the Office letter of May 10, 1972 we
enclose the required declaration of Canadian use.

Yours very truly,

PLB:md
Encl.

Smart & Biggar

IN THE MATTER of the Trade Marks Act

Section 39(2)

AND IN THE MATTER of Application No. 344,483

Trade Mark AQUAROBIC

I, *W. J. Hastings* of the city
of *Wallaenburg* hereby declare:

1. THAT I am *the signing officer* of
WALTEC INDUSTRIES LIMITED the applicant herein, and have know-
ledge of the facts herein declared.

2. THAT use of the trade mark AQUAROBIC in Canada
has been commenced by WALTEC INDUSTRIES LIMITED.

3. THAT such use has been in respect of the following
wares:

sewage treatment apparatus

DATED at *Wallaenburg* this *23* day
of *October* 1972.

W. J. Hastings



Department of consumer and corporate affairs/Ministère de la consommation et des corporations



Messrs. Smart & Biggar,
P.O. Box 2999 Station D,
Ottawa, Ontario.
K1P 5Y6.

OUR FILE NO. — Notre Dossier

344483

YOUR REF. — Votre réf.

4052-73

May 10, 1972

APPLICANT — Requêteur

Wallaceburg Brass Limited

TRADE MARK — Marque de commerce

AQUAROBIC

REGISTERED USER — Usager inscrit

NOTICE UNDER SECTION 39(2)

Pursuant to Section 39(2) of the Trade Marks Act, the Registrar hereby gives notice that the above-described application for registration of a proposed mark has been allowed.

PLEASE DISREGARD THE FOLLOWING UNLESS MARKED BY AN "X"

- ☐ The application for the above-named registered user has been approved.
- ☒ Upon receipt of a declaration that the applicant (or the approved registered user) has commenced the use of the trade mark in Canada in association with the wares and/or services specified in the application, the trade mark will be registered.
- ☐ Three specimens showing the trade mark as actually used in association with the wares and/or services as described in Rule 33 of the Trade Marks Rules, are required.

AVIS SELON L'ARTICLE 39(2)

En conformité de l'article 39(2) de la Loi sur les marques de commerce, le registraire donne avis par la présente que la demande d'enregistrement de la marque projetée décrite ci-dessus a été admise.

VEUILLEZ NE PAS TENIR COMPTE DE CE QUI SUIT SAUF SI MARQUÉ "X"

- ☐ La demande soumise à l'égard de l'usager inscrit susmentionné a été approuvée.
- ☒ La marque de commerce sera enregistrée sur réception d'une déclaration portant que le requérant (ou l'usager inscrit approuvé) a commencé à employer la marque de commerce au Canada en liaison avec les marchandises et (ou) les services mentionnés dans la demande.
- ☐ Trois spécimens de la marque de commerce telle qu'elle est employée en liaison avec les marchandises et (ou) les services sont requis, comme le prescrit la règle 33 des Règles relatives aux marques de commerce.


Registrar of Trade Marks
Le registraire des marques de commerce

NOTE

If the declaration is not filed within SIX MONTHS from the date of this notice, the application will be deemed to be abandoned.

Si la déclaration n'est pas produite dans les SIX MOIS de la date de cet avis, la demande sera censée avoir été abandonnée.

CABLES
LAURENTIAN, OTTAWA

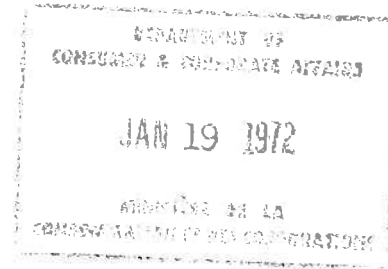
SMART & BIGGAR ✓
BARRISTERS & SOLICITORS
PATENT & TRADE MARK AGENTS
70 GLOUCESTER STREET
OTTAWA,
CANADA

4163
TELEPHONE
232-2486
AREA CODE 613

January 19, 1972

OUR FILE NO. 4052-73

TO A	<i>Carte</i>
FILE DOSSIER	344483
CITE TO REMARQUE	



The Registrar of Trade Marks,
Ottawa, Canada.

Dear Sir:

Re: Serial No: 344,483 ✓
Trade Mark: AQUAROBIC

Please proceed with the advertisement of the above-
identified application in the Trade Marks Journal.

The advertisement fee of \$25.00
~~\$15~~ is included in today's
cheque.

Yours very truly,

Smart & Biggar

/rr

Encl.

2072.093

25-

7903

P



Department of consumer and corporate affairs / Ministère de la consommation et des corporations



Messrs. Smart & Higgan,
P.O. Box 2999, Station "D",
OTTAWA, Ontario,
K1P 5Y6.

TRADE MARK - MARQUE DE COMMERCE	APPLICANT - REQUÉRANT
AQUAROBIC	Wallaceburg Brass Limited
FILE NO. - DOSSIER N°	YOUR REFERENCE - VOTRE RÉFÉRENCE
344483	4052-73

Ottawa, **January 11, 1972**

This application will be advertised in the Trade Marks Journal upon receipt of your written request and the prescribed fee of \$25.00 within

- ☒ 1 month
☐ 2 months

from the date of this notice.

☐ Pursuant to the provisions of Section 15, this trade mark will be associated with the following trade mark(s) No(s):

☐ Pursuant to the provisions of Section 36(3), a notice will be sent to the owner of trade mark No.

Cette demande sera annoncée dans le journal des marques de commerce sur réception de votre requête par écrit accompagnée du droit prescrit de \$25.00 dans le délai

- ☐ d'un mois
☐ de deux mois

qui suit la date de cet avis.

☐ Conformément aux dispositions de l'article 15, cette marque de commerce sera liée à la (aux) marque(s) de commerce n°(s)

☐ Conformément aux dispositions de l'article 36(3), un avis sera envoyé au propriétaire de la marque de commerce déposée sous le numéro

Registrar of Trade Marks
Le registraire des marques de commerce

344483

*filed July 16, 1971*TRADE MARKS ACT

To: The Registrar of Trade Marks,
Ottawa, Canada.

1. The undersigned, WALLACEBURG BRASS LIMITED, the full post office address of whose principal office or place of business is Wallaceburg, Ontario, Canada, hereby applies for the registration, in accordance with the provisions of the Trade Marks Act, of the trade mark identified below.

2. The trade mark is the word

AQUAROBIC

3. The applicant intends to use the trade mark in Canada in association with

wares
sewage treatment apparatus

and requests registration of the trade mark in respect of such wares.

4. The applicant appoints Smart & Biggar, who carry on business at 70 Gloucester Street, Ottawa, Ontario, whose full post office address is P. O. Box 2999, Station D, Ottawa K1P 5Y6, Canada, as the firm to whom any notice in respect of the application or registration may be sent, and upon whom service of any proceedings in respect of the application or registration may be given or served with the same effect as if they had been given to or served upon the applicant or registrant.

5. The applicant is satisfied that he is entitled to use the trade mark in Canada in association with the wares described above.

EXECUTED at Ottawa, Ontario, Canada, this 16th day of July, 1971.

WALLACEBURG BRASS LIMITED

By: Smart & Biggar

Trade Mark Agents

Form - <i>le</i>	Serial No. de série	Wares or Services - Marchandises ou services
16-3	344483	sewage treatment apparatus
Mark - Marque	Headings - En-têtes	
AQUAROBIC	AQUA ROBIC	

Indexes searched - Indices ou recherches

Mark Marque	Serial No. N° de série	Reg'n. No. N° d'enrg.	Wares or Services Marchandises ou services
AQUA	304250	155956	The construction, maintenance, servicing, cleaning, repairing, renovating of swimming pools & all swimming pool machinery... Aqua Pool Maintenance Co. Ltd
AQUACARE	277319	156407	water sterilization apparatus Aquacare International, Ltd.
HI-AQUA-FINER	297936	152556	Plants & equipment for treatment of city water, industrial water & waste water... Chigoda Chemical Engineering & Construction
AQUA-RID	318299	165167	Chemicals used for treatment of sewage & particularly to remove synthetic detergents... Leichhold Chemicals, Inc.
AQUALITE	310591		Irrigation Systems Concession Industries Limited
ENROBEX	322703	170476	water treatment chemicals: compounds, 1st & 2nd detergent & solutions, metallic ion neutralizers... Philippe Marin
ROBAC	161849	NS.3/1078	Chemical substance for use in accelerating rates of reaction... Robinson Brothers Limited

Associate Marks - Marques associées

Examined - Examinée	Date
P. RUFFO	31-12-71

Formal requirements and/or discrepancies - Exigences formelles et (ou) écarts

Statutory Objections statutaires

Research - Recherches

vet. - aqua - water

37

Wallaceburg Brass Limited

APPLICANT - Requérant
FILING DATE - Date de dépôt

Juiction

FILE NO. - Dossier n°

July 16, 1971

344483

AQUAROBIC
(Proposed)

TRADE MARK - Marque de commerce
PRIORITY DATE - Date de priorité

Your Ref:
4052-73

Messrs. Smart & Biggar,
P.O. Box 2999, Station "D",
OTTAWA, Ontario,
K1P 5Y6.

PLEASE QUOTE OUR FILE NO. IN ALL FUTURE CORRESPONDENCE
Veuillez indiquer notre numéro de dossier dans toute correspondance ultérieure

WARES AND/OR SERVICES - Marchandises et/ou services

COMMENTS - Commentaires



Department of consumer and corporate affairs / Ministère de la consommation et des corporations



TRADE MARKS OFFICE
BUREAU DES MARQUES DE COMMERCE

AUG 5 1971

RECEIPT IS ACKNOWLEDGED OF THE APPLICATION AND FILING FEE
FOR REGISTRATION OF THIS TRADE MARK.

Nous accusons réception de la demande d'enregistrement de cette marque de commerce ainsi que du droit de dépôt.

REGISTRAR OF TRADE MARKS
Le registraire des marques de commerce
C C A - 403 (271)

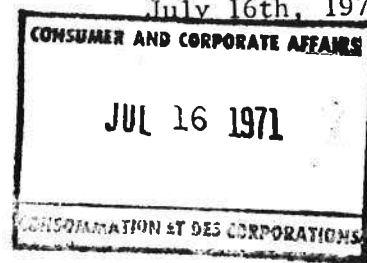
(over-verso)

344483

70 Gloucester Street
Ottawa 4, Canada

July 16th, 1971.

The Registrar of Trade Marks,
Ottawa, Canada.



Sir:

We enclose the necessary papers in connection
with this application, together with a remittance
to cover the filing fee.

3891

CONSUMER AND CORPORATE AFFAIRS SPECIAL SERVICES DIVISION			
SC	FILE NO.	DATE	REMARKS
19 JUL 1	297	1	32-
Yours truly.			

4851

REGISTRARS NAME IF NOT ON DOCUMENT

Smart & Higgins

- File No. 4052-73

- Application by Wallaceburg Brass Limited,

- Appln. relates to Trade Mark: AQUAROBIC

- Fees enclosed \$35.00

PBLT
Encl.

CHECK LIST - FEUILLE DE VÉRIFICATION

☒ FILING DATE - Date de dépôt: JUL 16 1971 PROPOSED ✓

☐ PRIORITY DATE - Date de priorité

☒ REG'D AGENT - Agent inscrit *dim*

☐ NO AGENT - SEND LETTER RE AGENT & ACK'N. TO
Aucun agent - envoyer la lettre re: agent & accusé de réception à

☐ NO AGENT: ACK'N TO APPLICANT
Aucun agent: accusé de réception au requérant

☐ NO AGENT - ACK'N TO APP'T C/O REP FOR SERVICE
Aucun agent: accusé de réception au requérant a/s du rep. pour signification

☐ RETURN COPY OF APPL'N. - Retourner la copie de la demande

☐ RETURN APPL'N. FOR SIGNATURE - Retourner la demande pour signification

☐ SEND TO - Envoyer à

M. W. MICHAUD
CHEF. SERVICES DE TRADUCTION
PIÈCE 1421 - ÉDIFICE CANADIAN, OTTAWA

☐ DRUG NOTIFICATION UNIT
BUREAU OF OPERATIONS
FOOD AND DRUG DIRECTORATE
OTTAWA 3, ONTARIO

☐ MR. G.R. LEWIS
STANDARDS DIVISION
DEPT. OF CONSUMER AND CORPORATE AFFAIRS
OTTAWA 3, ONTARIO

☐ DR. C.K. HETHERINGTON
DIRECTOR MEAT INSPECTION DIVISION
DEPT. OF AGRICULTURE, SIR JOHN CARLING BUILDING,
OTTAWA, ONT.

☐ DIRECTOR,
STANDARDS BRANCH,
DEPT. OF CONSUMER AND CORPORATE AFFAIRS
OTTAWA, ONT.

☐ MR. H.R. PARNELL
ASSISTANT SECTION CHIEF
PLANT PRODUCTS DIVISION
DEPT. OF AGRICULTURE
OTTAWA, ONT.

☐ MR. C.L. STEVENSON
CHIEF,
FEEDS, FERTILIZERS & PESTICIDES SECTION,
DEPT. OF AGRICULTURE
SIR JOHN CARLING BLDG.,
OTTAWA, ONT.